

June 14, 2005

**MINUTES OF AN ADJOURNED REGULAR  
MEETING OF THE TORRANCE CITY COUNCIL**

**1. CALL TO ORDER**

The Torrance City Council convened in an adjourned regular session at 5:32 p.m. on Tuesday, June 14, 2005 in City Council Chambers at Torrance City Hall.

**ROLL CALL**

Present: Councilmembers Lieu, Mauno McIntyre, Nowatka, Scotto, Witkowsky and Mayor Walker\*.  
\*Arrived at 7:00 p.m.

Absent: None.

Also Present: City Manager Jackson, City Attorney Fellows  
City Clerk Herbers, and other staff representatives.

Agenda Item 17 was considered at this time.

**17. EXECUTIVE SESSION**

The Council immediately recessed to closed session to confer with the City Manager and the City Attorney on agenda matters listed under 17A) Conference with Labor Negotiator; 17B) Real Property - Conference with Real Property Negotiator, and Redevelopment Agency Real Property - Conference with Real Property Negotiator, pursuant to California Government Code Sections 54957.6 and 54956.8 (absent Mayor Walker).

The Council reconvened in Council Chambers at 7:02 p.m. with all members present. No formal action was taken on any matter considered in closed session.

**2. FLAG SALUTE/INVOCATION**

The Pledge of Allegiance was led by Councilmember Nowatka.

Councilmember Witkowsky gave the non-sectarian invocation for the meeting.

**3. AFFIDAVIT OF POSTING/WAIVE FURTHER READING**

**MOTION:** Councilmember Mauno moved to accept and file the report of the City Clerk on the posting of the agenda for this meeting. The motion was seconded by Councilmember Lieu, and passed by unanimous roll call vote.

**MOTION:** Councilmember Mauno moved that after the City Clerk has read aloud the number and title to any resolution or ordinance on the meeting agenda, the further reading thereof shall be waived, reserving and guaranteeing to each Councilmember the right to demand the reading of any such resolution or ordinance in regular order. The motion was seconded by Councilmember McIntyre and passed by unanimous roll call vote.

**4. WITHDRAWN OR DEFERRED ITEMS**

City Manager Jackson noted that Item 12B was the withdrawal of an appeal; and that the City Attorney has requested that Item 11A be withdrawn pending a request for an opinion from the California Attorney General.

**5. COUNCIL COMMITTEE MEETINGS AND ANNOUNCEMENTS**

Councilmember Nowatka announced that the 25<sup>th</sup> annual 4th of July Celebration at Wilson Park would begin at 11:00 a.m. with the firework show at 9:00 p.m. He noted that free shuttle buses will be operating between 9:00 a.m. and 10:00 p.m. from both the Civic Center and Del Amo Fashion Center to Wilson Park.

Community Development Director Gibson announced the return of Southern California Edison's 20/20 Program, which allows residents and businesses to reduce utility bills by 20%, with information available at [www.SCE.com/pledgetosave](http://www.SCE.com/pledgetosave)

**6. COMMUNITY MATTERS**

**6A. RESOLUTION NO. 2005-31 HONORING MERRIETTA FONG**

**RESOLUTION NO. 2005-31**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE  
HONORING MERRIETTA FONG FOR HER SERVICE AS CHAIRMAN OF  
THE BOARD OF THE TORRANCE AREA CHAMBER OF COMMERCE

**MOTION:** Councilmember Scotto moved for the adoption of Resolution No. 2005-31. The motion was seconded by Councilmember Nowatka and passed by unanimous roll call vote.

*To be presented at a later date.*

**6B. PRESENTATION OF PROCLAMATION FROM WEST BASIN MUNICIPAL WATER DISTRICT**

Deputy Public Works Director Van Der Linden reviewed the City's progress in the use of recycled water, noting that it is used throughout Torrance in industry and at schools, parks and landscaped areas, including ExxonMobil, Magruder Middle School, Columbia Park and the newly landscaped median on Artesia Boulevard.

Carol Kwan, Board President of the West Basin Municipal Water District, presented a proclamation to the Mayor and Council recognizing the City's participation in water recycling programs.

**6C. RECOGNITION OF YOUTH COUNCIL MEMBERS**

Mayor Walker presented certificates to Youth Council members Sean Crandall, Sheri VanBrunt, Susie Kwak, and Timothy Lee in recognition of their service on the council.

**7. CONSENT CALENDAR**

**7A. APPROVAL OF MINUTES – APRIL 5, 2005**

**7B. AWARD OF CONTRACT FOR 2005 RESIDENTIAL SLURRY SEAL PROJECT**

**Recommendation**

Recommendation of the **Public Works Director** that City Council:

- 1) Waive minor irregularities in the bid and award a public works agreement to Pavement Coatings, Co. (B2005-30) in the amount of ~~\$147,560.46~~ \$174,560.46 and authorize a 5% contingency in the amount of \$8,728.02 for the Residential Slurry Seal Project; and
- 2) Authorize the Mayor to execute and the City Clerk to attest to said agreement.

**7C. TORRANCE YOUTH COUNCIL DONATION FOR “BEAT THE ODDS” PROGRAM**

**Recommendation**

Recommendation of the **Torrance Youth Council** that City Council approve an expenditure of \$4,000 from the Youth Council Donation Account for the “Beat the Odds” program.

**7D. PURCHASE ORDERS FOR ANNUAL REQUIREMENT OF OFFICE SUPPLIES**

**Recommendation**

Recommendation of the **Finance Director** that City Council award purchase orders in an aggregate amount of not to exceed \$180,000 to Office Depot Business Services Division for the purchase of the City's annual requirement of office supply items. The term of these purchase orders will be from July 1, 2005 through June 30, 2006.

**7E. RENEWAL OF CONTRACT FOR TRANSPORTATION CONSULTANT**

**Recommendation**

Recommendation of the **Human Resources Department** that City Council extend a one-year contract renewal with Kim Fuentes, the Commuter Transportation Consultant (Rideshare) Program Coordinator, in the amount of \$65,520, for the period of July 1, 2005 through June 30, 2006.

**7F. AMENDMENT TO FEE AGREEMENT WITH RUTAN & TUCKER  
RE JOHNNY ANDERSON CASE**

**Recommendation**

Recommendation of the **City Attorney** that City Council:

- 1) Approve the amendment to the fee agreement with the law firm of Rutan & Tucker (C2004-149) to provide legal services in the Johnny Anderson v. City of Torrance tattoo case in the amount of \$60,000 for an amount not to exceed \$84,000; and
- 2) Appropriate \$60,000 from the General Fund Reserve for Litigation account to fund the increase.

**7G AMENDMENT TO FEE AGREEMENT WITH RUTAN & TUCKER  
RE TIME WARNER CASE**

**Recommendation**

Recommendation of the **City Attorney** that City Council:

- 1) Approve the amendment to the fee agreement with the law firm of Rutan & Tucker (C2004-179) to provide legal services in the Time Warner v. City of Torrance case in the amount of \$45,000 for an amount not to exceed \$69,000; and
- 2) Appropriate \$10,000 from the General Fund Reserve for Litigation account to partially fund the increase.

**7H. CONTRACT FOR CONSTRUCTION OF RECYCLED TIRE PATH**

Considered separately, see page 4.

**7I. CONTRACT WITH CONRAD AND ASSOCIATES, L.L.P.**

**Recommendation**

Recommendation of the **Finance Director** that City Council award a contract with Conrad and Associates, L.L.P. to provide external auditing services for three fiscal years. The contract amount for Fiscal Year 2005-2006 totals \$64,723, Fiscal Year 2006-2007 is \$66,341 and 2007-2008 is \$67,999.

**7J. APPROPRIATION OF ASSISTANCE TO FIREFIGHTERS GRANT FOR PURCHASE OF PORTABLE VHF RADIOS AND BATTERIES**

**Recommendation**

Recommendation of the **Fire Chief** and the **Information Technology Director** that City Council:

- 1) Accept and appropriate FY 2004 Assistance to Firefighters Grant in the amount of \$99,731, which is the federal share (70%) of the approved project cost of \$142,472. The grant was awarded for the purchase of 15 mobile and 30 portable VHF radios with 90 additional batteries (FEAP #511). The equipment will be available to all five cities of Area G Mutual Aid; and
- 2) Authorize a purchase order be issued to Motorola c/o Advanced Electronics, Inc., in the amount not to exceed \$94,993.75 for the sole source purchase of 30 portable VHF Motorola radios and 90 additional batteries. Advanced Electronics is the only dealer authorized to sell Motorola radios to the City of Torrance.

**7K. EXTENSION OF CONTRACT FOR MEDICAL SERVICES**

**Recommendation**

Recommendation of the **Human Resources Director** that City Council:

- 1) Approve an amendment extending the contract for medical services with the Medical Institute of Little Company of Mary for one year, beginning July 1, 2005, in an amount not to exceed \$117,500; and
- 2) Approve an amendment extending the contract for medical services with Western Medical Group for one year beginning July 1, 2005, in an amount not to exceed \$28,000.

**7L. TORRANCE SENIOR TAXI PROGRAM CONTRACT SERVICE AGREEMENTS**

Considered separately, see page 5.

**7M. TORRANCE DIAL -A-TAXI PROGRAM CONTRACT SERVICE AGREEMENT**

Considered separately, see page 5.

**MOTION:** Councilmember Witkowsky moved to approve Consent Calendar Items 7A through 7G and 7I through 7K. The motion was seconded by Councilmember Scotto and passed by unanimous roll call vote.

Consent Calendar Item 7H was considered at this time.

**7H. CONTRACT FOR CONSTRUCTION OF RECYCLED TIRE PATH**

**Recommendation**

Recommendation of the **Community Services Director** and the **Public Works Director** that City Council authorize a contract with Y & M Construction for an amount not to exceed \$154,918.75 with a 5% contingency of \$7,745.94 for a total of \$162,664.69 to construct a recycled tire path surface at Delthorne Park, 3401 Spencer Street, Project (B2005-07).

Councilmember Lieu commended staff for coming up with the proposal to use recycled material for the construction of this path, which fits well with the “green building” concept the City is exploring, and securing grant funding to cover most of the cost.

**MOTION:** Councilmember Lieu moved to concur with the staff recommendation. The motion was seconded by Councilmember Witkowsky and passed by unanimous roll call vote.

Consent Calendar Items 7L and 7M were considered together.

**7L. TORRANCE SENIOR TAXI PROGRAM CONTRACT SERVICE AGREEMENTS**

**Recommendation**

Recommendation of the **Acting Transit Director** that City Council authorize the Mayor to execute and the City Clerk to attest to the following:

- 1) A one-year contract services agreement with Administrative Services Co-Op, d.b.a. South Bay Yellow Cab and United Checker Cab Co-Op to provide service for the Torrance Senior Taxi Program, with two one-year options to renew the contract;
- 2) A one-year contract services agreement with All Yellow Taxi, Incorporated to provide service for the Torrance Senior Taxi Program, with two one-year options to renew the contract; and
- 3) A one-year contract services agreement with Bell Cab Company, Incorporated and TM-MTM (Management Company) to provide service for the Torrance Senior Taxi Program, with two one-year options to renew the contract.

The recommended term is July 1, 2005 to June 30, 2006 at a cost not to exceed an aggregate total of \$825,000 per annum for all three contracts.

**7M. TORRANCE DIAL-A-TAXI PROGRAM CONTRACT SERVICE AGREEMENT**

**Recommendation**

Recommendation of the **Acting Transit Director** that City Council authorize the Mayor to execute and the City Clerk to attest to the following:

- 1) A one-year contract services agreement with Administrative Services Co-Op, d.b.a. South Bay Yellow Cab and United Checker Cab Co-Op to provide service for the Torrance Dial-A-Taxi Program, with two one-year options to renew the contract;
- 2) A one-year contract services agreement with All Yellow Taxi, Incorporated to provide service for the Torrance Dial-A-Taxi Program, with two one-year options to renew the contract; and
- 3) A one-year contract services agreement with Bell Cab Company, Incorporated and TM-MTM (Management Company) to provide service for the Torrance Dial-A-Taxi Program, with two one-year options to renew the contract.

The recommended term is July 1, 2005 to June 30, 2006 at a cost not to exceed an aggregate total of \$410,000 per annum for all three contracts.

Councilmember Lieu noted that these contracts implement cuts to the Senior Taxi Program and the Dial-A-Taxi Program, which he voted against at the May 24, 2005, Council meeting, therefore, he would vote against their approval for the sake of consistency.

**MOTION:** Councilmember Witkowsky moved for the approval of Consent Calendar Items 7L and 7M. The motion was seconded by Councilmember Nowatka and passed as reflected in the following roll call vote.

AYES: Councilmembers Mauno, McIntyre, Nowatka and Witkowsky.

NOES: Councilmembers Lieu, Scotto and Mayor Walker.

## **11. ADMINISTRATIVE MATTERS**

### **11A. HANGAR RENTAL AGREEMENT AMENDMENTS**

#### **Recommendation**

Recommendation of the **General Services Director** and the **Airport Commission** that City Council:

- 1) Approve changes made to the current Hangar Rental Agreement at Torrance Municipal Airport – Zamperini Field, and
- 2) Adopt an repealing Section 51.2.27 of the Torrance Municipal Code entitled “Aviation Liability Insurance Requirements” and adding a new Section 51.2.27 of the Torrance Municipal Code increasing the insurance requirements for aircraft based at the Torrance Municipal Airport.
- 3) Approve an ordinance summary for publication.

City Attorney Fellows advised that this item was being withdrawn because staff would like an opportunity to request an opinion from the California Attorney General on conflict of interest rules and regulations. He explained that as many as 4 out of 7 Airport Commissioners have conflicts of interest with regard to this item; that the interaction of the California Political Reform Act and California Government Code Section 1090 is unclear; and that several commissioners have requested clarification of the limits on their participation and the only way to do so is to request an opinion from the California Attorney General. He estimated that it would take between 4 and 6 months to obtain an opinion and stated that staff believes the matter is of significant public interest to warrant this action.

City Manager Jackson confirmed that there was no urgency to revise the Hangar Rental Agreement.

**MOTION:** Councilmember Scotto moved to receive and file the item and to direct the City Attorney to seek a formal opinion from the California Attorney General on conflict of interest rules and regulations. The motion was seconded by Councilmember McIntyre and passed by unanimous roll call vote.

## **12. HEARINGS**

### **12A. SECOND PUBLIC HEARING ON OPERATING BUDGET FOR FY2005-07**

#### **Recommendation**

Recommendation of the **Finance Director** that City Council open the second public hearing and budget workshop on the City of Torrance proposed two-year operating budget for Fiscal Years 2005-2007. (Companion to Redevelopment Agency item 4A)

Mayor Walker announced that this was the time and place for a public hearing on this matter. City Clerk Herbers confirmed that the hearing was properly advertised.

With the aid of slides, Finance Director Tsao briefly reviewed the City Manager's proposed Two-Year Operating Budget for 2005-06 and 2006-07 Fiscal Years per written material of record. He reported that the budget requires constrained reductions, allows for specific enhancements in safety services, and provides resources for wage and benefit adjustments. He noted that the General Fund deficit of \$868,400 is substantially less than the \$2.3 million deficit projected in June of 2004 due to several factors, the

most significant of which is the Governor's proposal for the early repayment of \$1.2 million in Vehicle License Fees (VLF). He explained that the legislature may not approve the Governor's proposal, therefore a contingency budget has been drafted, which addresses this possibility.

Councilmember Lieu, commended staff for proposing a budget with no cuts to public safety, noting that it provides for some enhancements, including the addition of an animal control officer, the cost of which is offset by the elimination of the contract with L.A. County for after-hours service, and six police officers will be reassigned to the field due to the consolidation of police and fire communication centers. Stressing the importance of maintaining adequate funding for the police and fire departments, he referred to a recent article in the *L.A. Times*, which indicated that Torrance ranks second in the nation in the reduction of violent crime as measured by percentage and first among cities with population over 125,000. He noted that the Torrance Fire Department has a Class 1 rating, which allows businesses to qualify for lower insurance premiums. He credited the excellent performance of these departments to strong leadership, quality personnel and the Council's commitment to providing the necessary funding.

Councilmember Lieu voiced objections to the proposed shuffling of fire personnel to staff a paramedic unit at Station 5, stating that he supports the goal of adding a paramedic unit but believes it should be done the right way, which means hiring additional firefighters. He noted that the number of firefighters has not been increased since 1978 even though their runs have more than doubled. He voiced support for the contingency budget with the exception of reducing the library's book budget and contracting out sidewalk repairs.

Councilmember Witkowski stated that she strongly supports the addition of a paramedic rescue unit at Station 5, especially in view of the City's aging population. She related her understanding that funding for the vehicle will not be available until FY2006-07 and suggested that no changes be made to staffing at this time and referring the matter to the Public Safety Committee for further study.

City Manager Jackson confirmed that the matter could be deferred until the first part of next year and indicated that staff would continue to explore options for funding.

Mayor Walker noted that adding a paramedic unit is a common goal of the entire City Council and it will be accomplished as soon as funding permits.

Mayor Walker invited comments from the audience.

John McGee, Chairman of the Parks and Recreation Commission, stated that in order to preserve the quality of life in Torrance as density increases, the City needs to provide free or heavily subsidized youth and senior citizen programs and continue to identify and develop open space for recreational use and provide adequate staff to maintain it. He stressed the importance of youth programs, both recreational and cultural, as a means to help children improve their skills and abilities, combat childhood obesity and deter juvenile crime.

Rod Steffler, building maintenance supervisor, voiced objections to the proposal to delete a custodial supervisor and transfer the job responsibilities to him, explaining that there is no way he could possibly handle the responsibilities of both of these positions. He stated that budget cuts and the deletion of positions have taken a toll on the condition of City facilities and deleting another position will only add to the problem. Referring to

photographs previously submitted via e-mail, he reported that while the civic center complex is in fairly good shape, buildings in North Torrance and other outlying areas are in terrible condition and some have not been painted in years. He urged the Council to explore alternatives to deleting this position.

Councilmember McIntyre stated that she was appalled by the photographs and asked how building maintenance is prioritized.

General Services Director Ballew explained that projects are typically incorporated into the Five-Year Capital Improvement Budget and noted that this year's budget for building maintenance has been increased by \$100,000. She conceded that there are buildings in need of repair and reported that staff is working through the list as the budget permits.

City Manager Jackson noted that the repair of facilities at McMaster Park were put on hold because the City had hoped to receive a grant to rebuild them, however, these repairs will have to be addressed since that did not occur. He reported that there has been a reduction in manpower in building maintenance over the past several months due to a combination of factors, including injuries, leaves of absence, termination and unfilled positions, and that the hiring process is underway to fill vacant positions.

Jeanie Moorman, representing AFSCME, Local 1117, echoed concerns about the deletion of a building maintenance supervisor position, noting that at one time there were 15 building maintainers and as a result of budget cuts over the last several years, there are now only 7. She contended that the City would not save any money by contracting out sidewalk repairs because City staff will be needed to survey, monitor and inspect the work and this added cost is not reflected in the proposal. As a cost saving measure, she suggested that the City look into the possibility of recycling concrete. She expressed concerns about the deletion of a revenue inspector position in the Finance Department, which would likely result in the loss of revenue to the City, and proposed the deletion of the unfilled account clerk position instead. She voiced objections to the deletion of a senior groundskeeper and a groundskeeper position, pointing out that no one disputes that this would have an adverse impact on the appearance of parks and the civic center complex. She noted that acreage has been added to the City's parkland over the years without adding employees to maintain it and this increased workload has taken its toll on the workforce. With regard to the proposed elimination of 3 full-time bus operator positions, she suggested that the huge overtime budget could be reduced if all vacant positions were filled. She requested that severance packages be provided in the event any positions are eliminated.

Dan Halladay, representing Torrance Professional Parks & Recreation Employee Organization, stated that the City has expanded recreation programs and added and upgraded facilities over the past ten years while both part-time and full-time staff have been reduced. He expressed concerns that any further cuts would greatly jeopardize the quality of supervision of recreation programs and threaten the safety of participants. He contended that fees have reached a maximum and any future increases could mean that lower income residents would be priced out of programs. He acknowledged that there is a scholarship program, but suggested that pride and red tape would keep many residents from applying. He stressed the benefits of recreational programs, noting that parks and recreation staff, along with the police department, take pride in their role in the significant reduction in crime.



Steve Treskis, Torrance Fire Department Hazardous Materials Captain, voiced objections to the proposal to reduce the Hazardous Materials Response Team from nine members to five, stating that it would cause a major change in the team's ability to respond to hazardous materials emergencies. He noted that Torrance is heavily industrialized and there is great potential for this type of emergency. He explained that as presently constituted, the hazmat team can respond immediately to both Level 1 (non-life-threatening) and Level 2 (life-threatening) emergencies, however, a five-member team could not respond to a Level 2 emergency until staffing requirements are met, which means the team would have to wait for an outside agency to provide assistance.

Mayor Walker asked if firefighters would be agreeable to Councilmember Witkowsky's suggestion that no staffing changes be made at this time, pending review by the Public Safety Committee with a report to be brought back to Council the first part of next year, and Captain Treskis concurred with this suggestion.

Greg Ferguson, lead bus operator, voiced objections to the proposal to eliminate three full-time bus operators. He reported that between 40 and 60 hours of overtime per day is required currently to meet staffing needs and this excessive overtime is very expensive and causes drivers to become fatigued, making them vulnerable to injury and illness. He maintained that the Transit Department has become very top heavy and suggested that cuts be made to the managerial staff instead of bus operators. He stated that the City's bus operators are being paid lower wages than other cities, which makes it difficult to attract and retain drivers, and recommended that the City consider offering relief bus drivers permanent positions. He reported that bus operator classifications are receiving below average wage and benefit packages as compared to other City employees.

In response to Councilmember Scotto's inquiry, Acting Transit Director Mills confirmed that the three bus operator positions to be eliminated are vacant.

Carolyn Chun, senior planning associate, representing the Engineers Association, submitted a memo detailing the impacts of, and alternatives to, the proposed elimination, downgrading, and reallocation of key staff members within the Community Development Department. She expressed concerns about the loss of secretarial, traffic engineering and planning staff at a time of increased activity due to the growing demand for traffic calming measures, the implementation of a historic preservation program, and the updating of the General Plan. She maintained that proposed staffing changes would make it impossible to provide the professional quality service residents deserve and have come to expect.

**MOTION:** Councilmember Scotto moved to close the public hearing. The motion was seconded by Councilmember Witkowsky and passed by unanimous roll call vote.

Commenting on the difficult decisions facing the Council, Councilmember Witkowsky stated that good arguments were made for not cutting any positions and she agrees that every City department plays an important role, however, approximately \$2 million must be cut from the budget, which makes it impossible to keep everything whole. She noted that residents have indicated that safety is a primary concern, therefore, she places a high priority on maintaining strong police and fire departments.

In response to Councilmember Scotto's inquiry, City Manager Jackson clarified that the contingency budget, if approved, would set aside funds in the event the City does not receive the \$1.2 million in Vehicle License Fees and if the City does receive these funds, the amount budgeted would then become available to address wage and benefit issues.

Councilmember Scotto indicated that he favored restoring the custodial supervisor position in the General Services Department (\$84,000) because he felt that further cuts would make it impossible for this department to function properly. With regard to the contingency budget, he proposed that the outsourcing of sidewalk repairs (\$366,500) and the reduction in the book budget (\$82,900) be eliminated.

Councilmember Lieu requested that staff return with additional reductions to fill the gap that would be created by the above-mentioned changes to the budget.

City Manager Jackson asked for direction, and Councilmember Lieu indicated that he would not support outsourcing or any cuts to public safety.

City Manager Jackson cautioned that currently filled positions would probably have to be eliminated due to the level of funding involved.

In response to Mayor Walker's inquiry, City Manager Jackson provided clarification regarding the proposed funding of \$300,000 to enhance the Del Amo Fashion Center police detail. He explained that this one-time funding is necessary until the remodeling of the mall has been completed, at which time sales tax revenues are expected to offset this expense.

Mayor Walker requested that staff explore the possibility that the Mills Corporation could help bridge this gap in funding for mall security on a short-term basis.

City Manager Jackson reported that the Mills Corporation has not been sympathetic in this area, noting that they currently are providing approximately \$600,000 annually for mall security.

Councilmember Witkowski questioned how outsourcing sidewalk repairs would save money. Public Works Director Beste explained that an outside contractor would be able to do the work faster and more efficiently using a much larger crew and noted that the cost of City staff to oversee the repairs was included in the budget.

City Manager Jackson advised that the major advantage of using a private contractor is that they have the equipment and manpower to do an entire neighborhood at one time, while the City must address repairs in a piecemeal fashion.

In response to Councilmember Witkowski's inquiry regarding bus operator overtime, Transit Operations Manager Turner reported that increased overtime is common this time of the year when a lot of employees are taking time off for vacation. She explained that, additionally, there are employees off on industrial leave and sick leave on a daily basis, therefore, between 20 and 60 hours of overtime are needed to cover their runs. She noted that the hiring process is currently underway to fill vacant bus operator positions, which will help alleviate the overtime situation.

Councilmember McIntyre noted that there are cuts totaling approximately \$300,000 under the category of "Reduce contracts/materials" in the contingency budget and questioned whether further reductions could be made in this area.

City Manager Jackson expressed concerns that the proposed cuts to be made in this area could hinder the City's ability to hire outside consultants to prepare necessary reports/studies and indicated he would not recommend any further reductions.

Councilmember Mauno asked about the possibility of using reserves to cover part of the budget shortfall, noting that the cost of deferred maintenance is mounting and the budget seems to have been cut to the bone. City Manager Jackson noted that the proposed budget includes \$100,000 from reserves to be used for building maintenance and recommended that the Council wait until the year-end figures have been finalized to see what additional funding might be available in conjunction with consideration of the Capital Budget.

Councilmember Lieu asked about the use of Proposition 42 funds for sidewalk repairs. City Manager Jackson related his understanding that those funds are designated for roadway improvements and the repair of sidewalks would not meet the criteria.

**MOTION:** Councilmember Scotto moved to concur with the staff recommendation to approve the Operating Budget for Fiscal Years 2005-2007, restoring \$84,000 in General Services Department budget, and removing from the contingency budget \$82,9000 for Library book budget and \$366,500 for outsourcing sidewalk repairs, with all other contingencies to remain. The motion was seconded by Councilmember Witkowsky and passed by unanimous roll call vote.

City Manager Jackson asked if the Council would like staff to explore bridge funding opportunities with the Mills Corporation, and hearing no objection, Mayor Walker so ordered.

City Manager Jackson noted that Councilmember Lieu had requested that staff return with alternative reductions that could be used to fill gaps in the budget.

Councilmember Nowatka stated that he believed the time had come to make a decision and he saw no reason to put staff through all the work of coming up with alternate proposals, which would simply transfer the misery from one area to another.

Councilmember Lieu stated that he thought it would be helpful for the Council to look at possible alternatives to offset the changes made to the budget because it would allow for flexibility and provide a greater chance to increase the efficiency of City government. He noted that the items the Council did not approve amount to approximately 25% of the reductions proposed by the City Manager.

**MOTION:** Councilmember Lieu moved to direct staff to explore additional reductions to fill the gaps in the budget created by the Council's modifications. The motion was seconded by Councilmember Witkowsky and passed by a 4-3 roll call vote, with Councilmembers McIntyre, Nowatka and Scotto dissenting.

**MOTION:** Councilmember Witkowsky moved to retain the Hazardous Materials Team as presently constituted and refer the matter of adding a Paramedic Unit at Station No. 5 to the City Council Public Safety Committee for further study, with a report to be brought back to the Council at mid-year. The motion was seconded by Councilmember Scotto and passed by unanimous roll call vote.

The Council recessed from 8:51 p.m. to 9:05 p.m.

**12B. DIV04-00024: HASSAN ITANI**

**Recommendation**

Recommendation of the **Community Development staff** that City Council acknowledge the withdrawal of appeal of division of lot on property located in the R-1 zone at 2704 West 167<sup>th</sup> Street per letter received June 9, 2005.

Planning Manager Isomoto advised that the appellant submitted a letter, dated June 9, 2005, indicating that he and the applicant had met and resolved any outstanding issues.

**MOTION:** Councilmember Scotto moved to concur with the staff recommendation. The motion was seconded by Councilmember McIntyre and passed by unanimous roll call vote.

**12C. MIS05-00067: JERRY AND DIANE SMITH**

**Recommendation**

Recommendation of the **Community Development Director** that City Council approve the appeal and adopt a Resolution approving a 3-foot 5-inch roof extension to a roof reorientation currently under construction and to allow a new patio to the rear of the residence for an existing one-story single-family residence on property located in the Hillside Overlay District at 4721 Paseo de las Tortugas.

The **Planning Commission** recommends that City Council deny the appeal and approve the proposed patio to the rear of the residence and not the proposed roof extension. **MIS05-00067 (MIS04-00100), JERRY AND DIANA SMITH**

With the aid of slides, Planning Manager Isomoto provided background information about the project. She explained that in June 2004, the Planning Commission approved a Minor Hillside Exemption (MIS04-00100) to allow the reorientation of the ridgeline over the existing family room from parallel to the street to perpendicular to the street; that during the construction process it was discovered that the ridgeline extended beyond the approved length of 26 feet 3 inches; that the applicant subsequently applied for another Minor Hillside Exemption (MIS05-00067) to address this discrepancy and to allow a new patio cover; and that the Planning Commission voted to approve the patio cover but denied the roofline extension because while they did not believe it would result in any view impairment, they were concerned about the deviation from approved plans.

In response to Councilmember Mauno's inquiry, Planning Manager Isomoto confirmed that the project was limited to the reorientation of the roof and did not add any square footage to the home.

Jerry Smith, 4721 Paseo de las Tortugas, applicant, explained that the extension was necessary due to a mistake in the plans and it was the best and most economical way to blend the new roofline over the family room with the existing roofline. He maintained that the extension would have no impact on the appellants' view as they will still overlook the roof of a garage. He reported that a lot of extra time and money have gone into the project, which could have been approved through the sign-off process if the appellants had not objected, and his family has had to live in a construction zone for months on end while awaiting hearings.

Diane Smith, 4721 Paseo de las Tortugas, applicant, stated that the mistake was inadvertent and it was not discovered until they were in the middle of construction. She requested that the modification be approved because it would greatly impact her living space if the beam has to be cut back.

Michel Jonqueres, 4725 Paseo de las Tortugas, appellant, disputed the claim that the extension was the result of an honest mistake, explaining that rather than cutting the beam back when it was pointed out that it extended beyond the approved length, the contractor continued to work making it look like the error could not be reversed. He stated that the applicant has shown a pattern of deception from the beginning and the reason he declined to sign-off on the project was because the plans were incomplete and inaccurate. Submitting drawings of the Smiths' floor plan, he contended that the new roofline extends beyond the family room into the kitchen. He maintained that the City should not condone this violation of the approved plans as it would set a dangerous precedent and encourage others to violate the law.

Michael Cotton, president of the Riviera Homeowners Association, stated that he was disheartened that the homeowners had not been able to reach a compromise on their own as the HOA encourages neighbors to work together to avoid this sort of conflict. Referring to the minutes from the Planning Commission meeting of May 4, 2005, he voiced his opinion that commissioners used sound reasoning in arriving at their unanimous decision to require the applicant to build in accordance with the approved plans, and that overturning this decision would undermine the commission's authority and set a bad precedent. He urged the Council to protect the integrity of the process and deny the appeal.

Laurene Jonqueres, 4725 Paseo de las Tortugas, appellant, stated that she and her husband were open to compromise; however, Mr. Smith has misrepresented this project from the beginning and has a history of disregarding City regulations by building without benefit of a permit. She reviewed photographs previously submitted documenting the project from the erection of the silhouette until construction was halted due to the illegal ridge line extension. She reported that the Planning Commission knew the history of the project and denied the extension because they were disturbed by the applicant's disregard for the approved dimensions.

Councilmember Lieu related his understanding that the Smiths had proposed a compromise.

Mr. Smith explained that the two-foot overhang could be eliminated, but the house would be vulnerable to leakage when it rains.

In response to Councilmember Witkowski's inquiry, Planning Manager Isomoto confirmed that the project would still meet building code requirements should the overhang be eliminated.

Mayor Walker indicated that he did not think it was reasonable to require the applicant to eliminate the overhang when the proposed extension would have absolutely no detrimental impact on anyone. He pointed out that the view in question was acquired when the Jonqueres built a second-story addition while the Smith's home remains a single-story. He reported that he had spoken with Planning Commissioners who indicated that this was a "slap your hands" type of situation. He stated that mistakes are made all the time during construction and suggested that having one's house open to the elements during one of the wettest winters on record was more than enough punishment.

Councilmember Mauno stated that the Hillside Overlay Ordinance, which was designed to protect the view, light, air and privacy of surrounding neighbors, sometimes lends itself to extreme interpretations as in this case, when the only impact is to an

acquired view of a rooftop two houses away to be replaced with the view of another rooftop. He related his experience that the best way to tie two roof structures together may not become evident until the beams are exposed and voiced his opinion that requiring someone to build a roof without the necessary overhang to prevent rain damage was an extreme punishment, especially since the extension would have no real impact.

In response to Councilmember Nowatka's inquiry, Mr. Smith provided clarification regarding the photographs submitted by the Jonqueres.

Ms. Jonqueres related her understanding that the Smiths' contractor is not licensed.

**MOTION:** Councilmember Scotto moved to close the public hearing. The motion was seconded by Councilmember McIntyre and passed by unanimous roll call vote.

Councilmember Scotto stated that he was disappointed that the applicants did not build to the approved plans; expressed concerns that overturning the Planning Commission's decision and allowing this deviation could encourage others to do the same thing; and voiced his opinion that the only logical thing to do was approve the compromise, allowing an extension of one foot eight inches and eliminating the two-foot overhang.

Mayor Walker related his understanding that several members of the Planning Commission were not able to view the project from the interior of the Smiths' home, which he felt was necessary to make an informed decision. He stated that the house would look better and function better with the overhang and he saw no need to compromise on something that would have zero effect according to all criteria in the Hillside Ordinance.

Councilmember McIntyre, noted that she visited the homes of both parties and agreed that the project would have no impact on the light, view, air or privacy of adjacent neighbors. She expressed dismay that these neighbors were not able to reach a reasonable compromise and so much time and energy has been expended for the sake of three feet five inches. She indicated, however, that she agreed with Mr. Cotton that allowing this deviation would be precedent setting and jeopardize the integrity of the process. She voiced her opinion that as a compromise could not be reached, the Council should enforce the Code and require the project to be built according to the approved plans.

In response to Mayor Walker's inquiry, Planning Manager Isomoto confirmed that the extension does not violate the Code. She advised that in arriving at a recommendation, staff focused on the four criteria set forth in Hillside Ordinance – view, light, air and privacy – and they did not believe the original proposal or the one before the Council would have a significant impact on the adjacent property.

Councilmember Witkowsky reported that she visited both homes and observed no view impairment from the extension. Voicing support for the staff recommendation, she stated that the Smiths would incur great expense should the beam have to be cut back and the result would greatly detract from the appearance of their home and she did not believe they should be punished for an honest mistake.

**MOTION:** Councilmember Witkowsky moved to deny the appeal and concur with the staff recommendation. The motion was seconded by Councilmember Mauno and passed as reflected in the following roll call vote:

AYES: Councilmembers Lieu, Mauno, Witkowsky and Mayor Walker.

NOES: Councilmembers McIntyre, Nowatka and Scotto.

Commenting on his vote, Councilmember Mauno stated that he believed that there were extenuating circumstances in this case and he was not condoning the breaking of rules.

#### RESOLUTION NO. 2005-36

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE GRANTING A MINOR HILLSIDE EXEMPTION AS PROVIDED FOR IN DIVISION 9, ARTICLE 41 OF THE TORRANCE MUNICIPAL CODE TO ALLOW MODIFICATIONS TO A PREVIOUSLY APPROVED MINOR HILLSIDE EXEMPTION (MIS04-00100) FOR A THREE-FOOT 5-INCH RIDGELINE EXTENSION TO A ROOF CURRENTLY UNDER CONSTRUCTION AND THE ADDITION OF PATIO COVER FOR AN EXISTING ONE-STORY SINGLE FAMILY RESIDENCE ON PROPERTY LOCATED IN THE HILLSIDE OVERLAY DISTRICT IN THE R-1 ZONE AT 4721 PASEO DE LAS TORTUGAS

**MOTION:** Councilmember Witkowsky moved for the adoption of Resolution No. 2005-36. The motion was seconded by Councilmember Mauno and passed as reflected in the following roll call vote:

AYES: Councilmembers Lieu, Mauno, Witkowsky and Mayor Walker.

NOES: Councilmembers McIntyre, Nowatka and Scotto.

\*

The Council met as the Redevelopment Agency from 5:32 p.m. to 10:21 p.m.

#### **16. ORAL COMMUNICATIONS**

**16A.** City Manager Jackson commended staff for their efforts to respond to requests for additional information on the budget within a very short timeframe.

**16B.** Councilmember Lieu, as Chair of the City Council Public Safety Committee, highlighted recent *Los Angeles Times* and *Daily Breeze* articles, which indicate that Torrance has experienced a great reduction in crime. He commended the Police Department, the Parks and Recreation Department and other departments that contribute to public safety.

**16C.** Councilmember Lieu invited the public to attend the dedication of the George Nakano Theatre at 3:30 p.m. on Tuesday, June 21, at the Cultural Arts Center.

**16D.** Councilmember Mauno commended City Manager Jackson and Police Chief Herren for assembling one of the top law enforcement agencies in California, noting that public safety is a fundamental mission of local government.

**16E.** Councilmember McIntyre extended kudos to all city workers for their efforts.

**16F.** Councilmember McIntyre announced the Torrance Symphony Fundraiser to be held at the James Armstrong Theatre on Saturday, June 18, at 8:00 p.m.

**16G.** Councilmember Nowatka commended Chief Herren for the reduction in crime.

**16H.** Councilmember Nowatka encouraged attendance at the symphony fundraiser, noting that it will consist of Broadway tunes, which proved to be very popular last year.

**16I.** Councilmember Scotto noted that it was Flag Day and wished his wife, Cindy, a happy birthday.

**16J.** Councilmember Scotto announced the Torrance Cultural Arts Center Foundation gala to be held Friday, June 24.

**16K.** Councilmember Scotto announced an Animal Control sponsored vaccination program from 7:00 p.m. to 8:30 p.m. on Wednesday, June 15, at the facility at Wilson Park. He noted that vaccinations would be available for \$6 and encouraged residents to license their pets.

**16L.** Councilmember Scotto noted that former councilmember Don Lee will be installed as the chairman of the board of the Torrance Area Chamber of Commerce on Friday, June 17.

**16M.** Councilmember Witkowsky reported that there will be a League of California Cities event in Oakland on June 23, which will address the role of city councils during disasters, and noted that she has been meeting with various police and fire chiefs to discuss this topic. She asked for City Council concurrence to have staff review the role of the Torrance City Council during a disaster.

**16N.** Mayor Walker reported on his attendance at the Conference of Mayors, noting that when comparing notes with other mayors, no one could top what has been occurring in Torrance in terms of economic development, with the remodeling of the mall, and the tremendous reduction in crime.

**17. EXECUTIVE SESSION**

Considered earlier in the meeting, see page 1.

**18. ADJOURNMENT**

At 10:31 p.m., the meeting was adjourned to Tuesday, June 21, 2005 at 5:30 p.m. for an executive session, with the regular meeting commencing at 7:00 p.m. in the Council Chambers.

Attest:

/s/ Dan Walker

Mayor of the City of Torrance

/s/ Sue Herbers

Sue Herbers, CMC

City Clerk of the City of Torrance

Approved on August 9, 2005